

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARCUS D’ADDIO and MICHAEL  
SILVESTRO, individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

WELLS FARGO CLEARING SERVICES,  
LLC (formerly known as WELLS FARGO  
ADVISORS LLC), d/b/a WELLS FARGO  
ADVISORS,

Defendant.

Cause No. 4:21-cv-00054-SEP

**PLAINTIFFS’ NOTICE OF NON-OPPOSITION TO DEFENDANT’S MOTION FOR  
DECERTIFICATION OF THE CONDITIONALLY CERTIFIED COLLECTIVE  
ACTION**

COME NOW Plaintiffs Marcus D’Addio and Michael Silvestro, individually and on behalf of all others similarly situated, by and through their attorneys Brown, LLC and Engelmeyer & Pezzani, LLC, pursuant to Local Rule 4.01(B), and hereby inform the Court that, while they disagree with many of the factual and legal contentions and characterization of the factual record in Defendant’s Motion for Decertification of the Conditionally Certified Collective Action (“Motion”), [ECF No. 73] they do not oppose the relief sought in the Motion, i.e. (1) decertification of the conditionally certified collective action; (2) dismissal of the claims of the Opt-in Plaintiffs without prejudice along with an appropriate, Court-approved notice to the Opt-In Plaintiffs concerning the effect of decertification on their claims and their remaining rights; and (3) leave for Defendant to file a motion to compel the named Plaintiffs’ individual claims to arbitration before the Financial Industry Regulatory Authority (“FINRA”) pursuant to their arbitration agreements, which Plaintiffs do not intend to oppose.

Counsel for Plaintiffs are meeting and conferring with counsel for Defendant regarding the appropriate next steps in light of the instant filing, and Defendant has informed Plaintiffs that they will file a response to this notice of non-opposition addressing those next steps, including the provision of a Court-approved notice to the Opt-In Plaintiffs following an order granting decertification of the collective action, if granted. The parties will meet and confer and work to present the Court with a stipulated notice to the Opt-In Plaintiffs for approval.

Plaintiffs, with the agreement of counsel for Defendant, respectfully request that the Court await these submissions before taking action on the pending motion for decertification.

Dated: July 12, 2022

RESPECTFULLY SUBMITTED,

By: /s Nicholas Conlon

Nicholas Conlon (admitted PHV)  
nicholasconlon@jtblawgroup.com  
Jason T. Brown (admitted PHV)  
jtb@jtblawgroup.com  
BROWN, LLC  
111 Town Square Place, Suite 400  
Jersey City, NJ 07310  
Phone: (877) 561-0000  
Fax: (855) 582-5297

*Lead Counsel for Plaintiff*

Anthony M. Pezzani, #52900MO  
tony@epfirm.com  
Emily W. Kalla, #66300MO  
emily@epfirm.com  
ENGELMEYER & PEZZANI, LLC  
13321 N. Outer Forty Road, Suite 300  
Chesterfield, MO 63017  
Phone: (636) 532-9933  
Fax: (314) 863-7793

*Local Counsel for Plaintiff*